

Chapter 1. Program Administration.

Subchapter 3. Administrative Reporting.

Article 1. Administrative Reports.

Section 111900. Administrative Reporting.

Each local child support agency shall submit data to the Department pursuant to this Article as required to meet federal and state reporting requirements.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17600, Family Code; 42, U.S.C., Section 669; and 45, Code of Federal Regulations, Section 302.15.

(1) Amend Section 111910 to read as follows:

Section 111910. Collection/Distribution Reports.

(a) The local child support agency shall accurately complete all required child, family, medical, and spousal support collection and distribution reports and submit them to the Department on a monthly basis, by the due date required for each report. These reports shall include, but not be limited to, the following:

(1) ~~“Child/Family and Spousal Support Payments Assistance Related Distribution/Disbursement Summary” form CS 800, dated (1/00), “Child Support Services Monthly Report of Collections and Distributions,” form CS 34, dated (01/02),~~ incorporated by reference herein. The local child support agency shall submit this report no later than the 8th business 15th calendar day after the end of the distribution reporting month.

(2) ~~“CS 800 Intercounty Collections Assistance Related Disbursements” form CS 803, dated (1/00), “Child Support Services Assistance Related Distribution/Disbursement Summary,” form CS 35, dated (01/02),~~ incorporated by reference herein. The local child support agency shall ~~include this report with the CS 800,~~ submit this report no later than the 15th calendar day after the end of the reporting month.

(3) ~~“Child/Family/Spousal and Medical Support Collections and Non-Assistance Distributions and Disbursements Summary” form CS 820, dated (1/00),~~ incorporated by reference herein. The local child support agency shall ~~submit this report no later than the 15th business day of the month following the month of collection.~~

(4)(3) "Summary Report of Health Insurance Identified – Non-AFDC" form CS 810, dated ~~(10/93)~~ (1/00), incorporated by reference herein. The local child support agency shall submit this report no later than the 15th business day after the end of the report month. The local child support agency is not required to submit this report if no health insurance activity has occurred during the report month.

(b) If the local child support agency fails to meet the reporting deadlines or to accurately report the required data, the Department shall send written notification to the director of the local child support agency, ~~or District Attorney if the county has not yet transitioned,~~ of the missed reporting deadline or the inaccurate report, and require the report to be filed and/or accurately completed within 15 days. If the report has still not been received 15 calendar days after the deadline set forth above or if a report is not received timely for a subsequent reporting period, a written notification by the Department to the County Executive Officer/County Administrative Officer shall be sent. If the report has still not been received 30 calendar days after the deadline set forth above or if a report is not received timely on a third occasion, notification by the Department to the County Board of Supervisors and the State Legislature shall be sent. The local child support agency will also be sent copies of each notice.

(c) If the local child support agency fails to meet the reporting deadline or fails to provide accurate data, the Department may use the data reported by that local child support agency from prior reporting periods as applicable, noted as such, in any Department reports.

(d) The local child support agency shall submit all reports required by this section with a signature, under penalty of perjury, of the local child support agency director, ~~or District Attorney if the county has not yet transitioned~~. The Department shall not disburse federal and state funds to the local child support agency if the report is not filed, or is filed without the required signature.

(e) The local child support agency shall remit ~~the state and federal share of~~ child support collections identified on a copy of the monthly CS 800 35 report and payment for Federal and State shares of recoupment identified on the monthly CS 35 to the Department by the ~~8th business~~ 15th calendar day following the reporting month of ~~distribution~~. If the local child support agency fails to remit the state and federal share of the collections within the required timeframe, the Department shall send written notification to the director of the local child support agency ~~or District Attorney if the county has not yet transitioned~~, requiring remittance of the payment within 15 business days. In the event that the local child support agency does not remit the payment within 15 business days, the Department shall offset the next child support payment to the county.

(f) The local child support agency shall complete all required case level detail reports requested for audit purposes and provide each report as requested by the Department, federal and/or state auditor and child support program reviewers.

(g) The local child support agency shall, consistent with Sections 111430 and 111440, retain copies of all signed collection and distribution reports for four years and four months, provided there are not any outstanding issues in litigation, claims, financial management reviews or audits. If any issue is pending, the local child support agency

shall retain the reports, relating to those issues, in any litigation, claim, financial management review, or audit involving the reports until the issue is resolved and final action has been completed.

NOTE: Authority cited: Sections 17306, 17310, 17312, and 17704, Family Code.
Reference: Section 17600, Family Code; 42, U.S.C., Section 669; and 45, Code of Federal Regulations, Section 302.15.

(2) Amend Section 111920 to read as follows:

Section 111920. Activity and Statistical Reports.

(a) The local child support agency shall accurately complete all required activity and statistical reports required by the Department on a quarterly, state fiscal year, and federal fiscal year basis, as applicable. These reports shall include, but not be limited to, the following:

(1) ~~“Child Support Services Activities Quarterly and Annual Data & Accounts Receivable Report”~~ “Child Support Services Quarterly State Performance Report” form CS 1457 QTR, dated ~~(08/04)~~ (1/02), incorporated by reference herein.

(2) “Child Support Services Federal Fiscal Year Annual Data & Accounts Receivable Report” form CS 157 FFY, dated (10/00), incorporated by reference herein.

(b) The local child support agency shall submit the reports to the Department, no later than 15 calendar days after the end of the reporting quarter, state and/or federal fiscal year, as applicable. If such day is not a business day the report shall be submitted the next business day.

(c) If the local child support agency fails to meet the reporting deadlines or to accurately report the required data, the Department shall send written notification to the director of the local child support agency, ~~or District Attorney if the county has not yet transitioned,~~ of the missed reporting deadline or the inaccurate report, and require the report to be filed and/or accurately completed within 15 days. If the report has still not

been received 15 calendar days after the deadline set forth above or if a report is not received timely for a subsequent reporting period, a written notification by the Department to the County Executive Officer/County Administrative Officer shall be sent. If the report has still not been received 30 calendar days after the deadline set forth above or if a report is not received timely on a third occasion, notification by the Department to the County Board of Supervisors and the State Legislature shall be sent. The local child support agency will also be sent copies of each notice.

(d) If the local child support agency fails to meet the reporting deadline and/or fails to provide the requested data, the Department may use the data reported by that local child support agency from prior reporting periods, noted as such, in any Department reports.

(e) The local child support agency shall submit electronically all reports required by this section with a signature, under penalty of perjury, of the local child support agency director ~~or District Attorney, if not yet transitioned~~ or its equivalent using the directors' electronic approval code. The Department shall not disburse federal and state funds if the report is not filed, or filed without the required signature.

(f) The local child support agency shall not be eligible to receive state incentive funds as specified in Section 17704 of the Family Code, if the local child support agency fails to report as required by Section 17600 of the Family Code.

(g) The local child support agency shall complete all required case level detail reports requested for audit purposes and provide each report as requested by the Department, federal and/or state auditor and child support program reviewers.

(h) The local child support agency shall, consistent with Sections 111430 and 111440, retain copies of all activity and statistical reports for four years and four months, provided there are not any outstanding issues in litigation, claims, financial management reviews or audits. If any issue is pending, the local child support agency shall retain the reports, relating to those issues, in any litigation, claim, financial management review, or audit involving the reports until the issue is resolved and final action has been completed.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Section 17600, Family Code; 42, U.S.C., Sections 655(d) and 669; 45, Code of Federal Regulations, Section 302.15.

(3) Amend Chapter 11, Article 1, and Section 121100 to read as follows:

Chapter 11. Quality Control.

Article 1. Performance Measures.

Section 121100. General Provisions

(a) Each local child support agency shall submit to the Department the data specified in this Article so that the Department may measure the performance of each local child support agency in securing child support, spousal support, medical support, and determinations of paternity.

(1) The data required pursuant to Section 121120(b), for state performance measures, shall be submitted on a quarterly basis.

(2) The data required pursuant to Section 121140(b), for federal performance measures, shall be submitted on an annual basis.

(b) The Department shall collect and analyze the data submitted by each local child support agency in establishing baseline performance standards that shall be met by each local child support agency.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17600, and 17602, Family Code; 42, U.S.C. Sections 652 and 658a.

(4) Amend Section 121120 to read as follows:

Section 121120 State Performance Measures.

(a) Each local child support agency shall report the following data to the Department and the Department will use the data to calculate performance measures for the following categories:

(1) Percent of cases with a court order for current child support. The performance measure will be calculated as follows:

The total number of cases in the caseload with a court order for current child support compared to the total number of cases in the caseload, except medically needy only cases.

(2) Percent of cases with collections for current child support. The performance measure will be calculated as follows:

The total number of cases in the caseload for which at least one payment for current support has been collected during the reporting period compared to the total number of cases in the caseload for which current child support is due.

(3) Average amount collected per case for all cases with collections. The performance measure will be calculated as follows:

The total amount of child support collected as compared to the total number of cases for which some collections were received during the reporting period.

(4) Percent of cases with an order for arrearages. The performance measure will be calculated as follows:

The total number of cases in the caseload with arrears due compared to the total number of cases in the caseload, except medically needy only cases.

(5) Percent of cases on which arrearages were collected. The performance measure will be calculated as follows:

The total number of cases in the caseload for which arrears were collected compared to the total number of cases in the caseload for which arrears are owed.

(6) Percent of alleged obligors who were served with a Summons and Complaint to establish paternity or a support order. The performance measure will be calculated as follows:

The total number of alleged fathers or obligors who were served with a Summons and Complaint to establish paternity or a support order compared to the total number of cases in the caseload that required service of a summons and complaint to establish paternity or a child support order during the reporting period.

(7) Percent of children for whom paternity has been established. The performance measure will be calculated as follows:

The total number of children for whom paternity has been established or acknowledged during the reporting period compared to the total number of children in the caseload who require the establishment of paternity.

(8) Percent of cases that had a child support order established. The performance measure will be calculated as follows:

The total number of cases in the caseload for which a child support order was established compared to the total number of cases in the caseload that required the establishment of a child support order during the reporting period.

(9) Cost-effectiveness. The performance measure will be calculated as follows:

The total amount of child support collected and distributed for each dollar expended by

the local child support agency. For purposes of this measurement, the electronic data processing costs for consortia counties will be allocated to each county, ~~as appropriate~~ based on actual costs.

(10) Percent of cases with orders for which medical support has been ordered. The performance measure will be calculated as follows:

The total number of cases in the caseload for which medical support has been ordered compared to the total number of cases in the caseload for which either current child support and/or medical support only has been ordered.

(11) Percent of cases with ~~medical support~~ health insurance provided as ordered. The performance measure will be calculated as follows:

The total number of cases in the caseload for which health insurance was provided as ordered compared to the total number of cases in the caseload for which health insurance was ordered.

(b) These performance measures shall be reported to the Department in accordance with the requirements of Section 111920. Failure to report, or the reporting of inaccurate data shall be subject to provisions of subsection (c) of Section 111920.

(c) In publishing the results of any state performance measurement which is identical to a federal performance measurement, except for the period reported, the Department will annotate those reported measures with an explanation of any discrepancies between the numbers reported for those measures.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17600, and 17602, Family Code; 42, U.S.C, Sections 652 and 658a.

(5) Amend Section 121140 to read as follows:

Section 121140 Federal Performance Measures.

(a) Each local child support agency shall report the following data to the Department for calculation of federal performance measures ~~annually~~.

(1) Paternity establishment percentage. The performance measure will be calculated as follows:

The total number of children for whom paternity has been established during the reporting period compared to the total number of children in the caseload who require the establishment of paternity.

(2) Percent of cases with a child support order. The performance measure will be calculated as follows:

The total number of cases with support orders as compared with the total caseload. Support orders are broadly defined as all legally enforceable orders, including orders for health insurance and zero support orders.

(3) Percent of current support collected. The performance measure will be calculated as follows:

The total amount of current support collected as compared to the total amount of current support owed.

(4) Percent of arrears collected. The performance measure will be calculated as follows:

The total number of cases in the caseload for which arrears were collected compared to the total number of cases in the caseload for which arrears are owed.

(5) Cost-effectiveness . The performance measure will be calculated as follows:

The total amount of child support collected and distributed as compared to each dollar expended by the local child support agency. For the purposes of this measurement, the electronic data processing costs for consortia counties will be allocated to each county, based on actual costs.

(b) These performance measures shall be reported to the Department in accordance with the requirements of Section 111920. Failure to report, or the reporting of inaccurate data shall be subject to provisions of subsection (c) of Section 111920.

NOTE: Authority cited: Sections 17306, 17310 and 17312, Family Code.
Reference: Sections 17600, and 17602, Family Code; 42, U.S.C, Sections 652 and 658a.

FINAL STATEMENT OF REASONS

Update to Initial Statement of Reasons:

The Administrative Reporting and Performance Measures regulations which are already in place on an emergency basis have been adopted on a permanent basis by this certificate of compliance rulemaking in substantially similar form. However, minor changes have been made as a result of further analysis, extensive discussion with a wide array of stakeholders, and public comments. Specific detailed discussions of those changes are listed by section number in the Final Statement of Reasons.

The changes generally serve to clarify with more specific language the policies expressed in the regulations. Specifically changes reflect: incorporation of later versions of forms; establishment and clarification of time frames for local child support agencies to take required actions in reporting and clarification of the terms.

The Department of Child Support Services is statutorily required by Family Code Section 17306(d) to consult with a wide array of specified stakeholders. These stakeholders include: counties, custodial and noncustodial parent advocates, labor organizations, members of the judiciary, and legislative committees. The Department met these requirements through a series of consultative interactions. The first was the establishment of the Policies, Procedures, and Practices (P3) Project, and Steering Committee with diverse membership as documented on the attached materials. Also various P3 committees were established with even broader membership from the required groups. These P3 committees met biweekly for six months. This is also documented by the attached materials (Attachment A). Further, during the emergency rulemaking process which preceded this certificate of compliance rulemaking, the Department distributed the draft regulations for review first by county representatives only, and then by a diverse group of stakeholders identified on the "Stakeholders" distribution list included in the attached materials. Also, the certificate of compliance process requires at least a 45-day public comment period. This requirement was complied with and the mailing list to whom the regulations were mailed is provided in the permanent rulemaking file. Finally, the regulations text was posted on the Department's public website at www.childsup.cahwnet.gov/ for the full 45 day public comment period making it available for anyone to comment.

Chapter 1. Program Administration.
Subchapter 3. Administrative Reporting
Article 1. Administrative Reports.

Section 111910 was adopted to require submittal of specified collection and distribution reports. This requirement was derived from and is necessary to comply with federal law contained in 45, CFR, Section 302.15, to implement county reporting and state compliance requirements set forth in Section 17600 (b)(1), Family Code, and is a necessary requirement under California's state plan for carrying out its responsibility under Title IV-D of the federal Social Security Act (hereafter referred to as "State Plan").

Subsection (a) specifies various collection and distribution reports that local child support agencies are required to file in order to implement Section 17600, Family Code. The reference to Section 17602, Family Code in the initial statement of reasons was in error.

Subparagraph (a)(1) has been amended to delete the reference to form CS 800, and the requirement for local child support agencies to submit this form. The Department has created a new and simplified form for the submission of information, the CS 34, "Child Support Services Monthly Report of Collections and Distributions," dated (01/02). The regulation text was therefore amended to instead reference the requirement for the local child support agencies to submit the CS 34. The data elements reported on the CS 800 and others in the series have not been changed by the adoption of the new CS 34 and CS 35. Rather, these forms simplify the reporting requirements for the local child support agencies.

The time for submission of the report was also changed, from the 8th business date after the end of the reporting month to the 15th calendar day after the end of the reporting month. This change was made to give the local child support agencies a slightly greater amount of time to submit the report. Since the reports are now being submitted electronically, it was determined that the additional amount of time would not prejudice the Department's ability to process the information and submit the necessary reports to the federal government in a timely manner.

After the 2nd 15-day re-notice period, a clarification was made that the time for reporting was the 15th day after the end of the "reporting" month, rather than leaving the language as the 15th day after the end of the "distribution" month, as originally drafted. There is no substantive difference between these descriptions, however it was noted that the Department's interchangeable use of these two terms could be found to be confusing, and thus a change was made to consistently refer to the "reporting" month. This section is necessary to enable the Department to monitor local child support agency performance, and is necessary to implement the requirements of Section 17600, Family Code.

Subparagraph (a)(2) has been amended to delete the reference to form CS 803, and the requirement for local child support agencies to submit this form. The Department

has created a new and simplified form for the submission of this information, the CS 35, "Child Support Services Assistance Related Distribution/Disbursement Summary," dated (01/02). The regulation text was therefore amended to instead reference the requirement for the local child support agencies to submit the CS 35. The data elements reported on the CS 803 have not been changed by the adoption of the new CS 34 and CS 35. Rather, these new forms simplify the reporting requirements for the local child support agencies.

The time for submission of the report was also changed, from the 8th business date after the end of the reporting month to the 15th calendar day after the end of the reporting month. This change was made to give the local child support agencies a slightly greater amount of time to submit the report. Since the reports are now being submitted electronically, it was determined that the additional amount of time would not prejudice the Department's ability to process the information and submit the necessary reports to the federal government in a timely manner.

After the 2nd 15-day re-notice period, a clarification was made that the time for reporting was the 15th day after the end of the "reporting" month, rather than leaving the language as the 15th day after the end of the "distribution" month, as originally drafted. There is no substantive difference between these descriptions, however it was noted that the Department's interchangeable use of these two terms could be found to be confusing, and thus a change was made to consistently refer to the "reporting" month.

This section is necessary to enable the Department to monitor local child support agency performance, and is necessary to implement the requirements of Section 17600, Family Code.

Subparagraph (a)(3), requiring each local child support agency to submit a CS 820, "Child/Family/Spousal and Medical Support Collections and Non-Assistance Distributions and Disbursements Summary," dated (1/00), has been deleted. The information contained on this form has been incorporated into the CS 34 and CS 35, and this form has therefore become obsolete.

Subparagraph (a)(4) has been renumbered (a)(3). Additionally, the date of form CS 810, "Summary Report of Health Insurance Identified – Non-AFDC," has been corrected. The Department has been using the 1/00 version of the form since 1/00. The reference in the publicly noticed version of the regulations to a form dated 10/93 was in error. The reference in the initial statement of reasons to the requirements of Section 17602, Family Code, was in error. This regulation is necessary to implement the requirements of Section 17600, Family Code.

Subsection (b) has been adopted to specify consequences of failing to meet reporting deadlines or report accurate data. This is necessary for monitoring local child support agency performance and to comply with Section 17600, Family Code. The reference to Section 17602, Family Code, in the initial statement of reasons, was in error.

This subsection has been amended to delete the reference to the District Attorney. That was an appropriate reference to the extent there remained local child support agencies which had not yet transitioned from the Office of the District Attorney. All transitions were completed by July 31, 2002, and thus this reference was no longer necessary.

Subsection (d) has been adopted to specify that federal and state funds will not be disbursed to a local child support agency failing to file the required reports or submitting them without the required signature. This is necessary to ensure proper data reliability and timeliness of submissions by the local child support agency and to comply with Section 17600, Family Code. The reference to Section 17602, Family Code, in the initial statement of reasons, was in error.

This subsection has been amended to delete the reference to the District Attorney. That was an appropriate reference to the extent there remained local child support agencies which had not yet transitioned from the Office of the District Attorney. All transitions were completed by July 31, 2002, and thus this reference was no longer necessary.

Subsection (e) has been adopted to require each local child support agency to remit the state and federal share of child support funds which have been collected and which have been identified on the required CS 35, and sets forth the ramifications for failure to submit those collections.

The timeframe to submit the money was changed from the 8th business day following the reporting month to the 15th calendar day, in order to mirror the time frame for submission of the CS 35 report. This subsection has been also amended to delete the reference to the District Attorney. That was an appropriate reference to the extent there remained local child support agencies which had not yet transitioned from the Office of the District Attorney. All transitions were completed by July 31, 2002, and thus this reference was no longer necessary.

Subsequent to the 2nd 15-day re-notice period, a minor nonsubstantive clarifications were made which do not materially alter the requirements contained in the original text. Specifically, clarification was made that the time for reporting was the 15th day after the end of the “reporting” month, rather than leaving the language as the 15th day after the end of the “distribution” month, as originally drafted. There is no substantive difference between these descriptions, however it was noted that the Department’s interchangeable use of these two terms could be found to be confusing, and thus a change was made to consistently refer to the “reporting” month. The reference to the form which identifies the federal and state shares of the child support recoupment was corrected. That information is contained on the CS 35, not the CS 34. And finally, a clarification was made that the federal and state shares of the child support recouped is not itself submitted on the CS 35, but rather the payment is sent along with a copy of the CS 35.

This regulation is necessary for monitoring local child support agency performance and interprets and implements the requirements of Section 17600 Family Code. The reference in the initial statement of reasons to Section 17602, Family Code, was in error.

Section 111920. Activity and Statistical Reports.

Subsection (a) has been adopted to require each local child support agency to accurately complete all required activity and statistical reports on a quarterly, state fiscal year, and federal fiscal year basis, as applicable. The reported data will be used to monitor each local child support agency's performance in funding, collection and distribution, and child support activities as specified in Sections 17600 and 17602, Family Code.

Subparagraph (a)(1) has been amended to update the reference to the state performance report issued in conjunction with the state fiscal year and at the end of each quarter of the state fiscal year. Specifically, the name and number of the report has been changed from CS 157 QTR, "Child Support Activities Quarterly and Annual Data & Accounts Receivable" to CS 457 QTR "Child Support Services Quarterly State Performance Report," dated (1/02). The number of the report was changed to make this report more easily distinguishable from the federal performance report, the CS 157 FFY.

Subsection (c) has been amended to delete the reference to the District Attorney. That was an appropriate reference to the extent there remained local child support agencies which had not yet transitioned from the Office of the District Attorney. All transitions were completed by July 31, 2002, and thus this reference was no longer necessary.

Subsection (e) has been adopted to require all reports submitted to the Department be signed, under penalty of perjury, by the director of the local child support agency. The subsection further provides that the Department has the authority to withhold funds if the report is not submitted or is submitted without the required signature. This is necessary to ensure proper data reliability and timeliness of submissions by the local child support agency and to comply with Section 17600, Family Code.

This subsection has been amended to delete the reference to the District Attorney. That was an appropriate reference to the extent there remained local child support agencies which had not yet transitioned from the Office of the District Attorney. All transitions were completed by July 31, 2002, and thus this reference was no longer necessary.

Additionally, the subsection has been amended to specify that these forms shall be submitted electronically. In recognition of the fact that electronically submitted forms may not bear the director's signature, language was also included to specify that use of the director's electronic approval code satisfies the requirement that the document be

signed by the director. The reference to Section 17602, Family Code in the initial statement of reasons was in error. The correct reference to Section 17600.

Subsection (f) has been adopted to specify the local child support agency shall not receive state incentive funds if the agency fails to submit reports as required in Section 17600 of the Family Code. The reference to Section 17602, Family Code in the initial statement of reasons was in error. The correct reference to Section 17600.

Subsection (h) has been adopted to require the local child support agency to retain copies of all reports for four years and four months if there are no outstanding issues, reviews or audits. The reference in the initial statement of reasons to Section 17602, Family Code, was in error. The correct reference is to Section 17600, Family Code.

Chapter 11. Quality Control.

Article 1. Performance Measures.

Article 1 of Chapter 11 has been adopted and entitled "Performance Measures." The data specified in this Chapter is reported to the Department to measure each local child support agency's program performance based on specific state and federal performance measurements. The initial statement of reasons failed to indicate that the this article, and all the sections contained within it, is necessary to implement both Sections 17600 and 17602, Family Code, and is necessary to determine eligibility for federal incentive funds pursuant to the provisions of 42 U.S.C. Sections 652 and 658a.

Section 121100. General Provisions.

This section has been adopted to require each local child support agency to submit data to the Department in order to measure the performance of each local agency. Minor grammatical changes were made to subparagraph (2) of subsection (a).

Section 121120. State Performance Measures.

This section has been adopted to require each local child support agency to report specific data so the Department may use this data to calculate state performance measures, and specifies the consequences for failure to report or reporting of inaccurate data. The initial statement of reasons failed to indicate that the this section, and all its subparagraphs, is necessary to implement both Sections 17600 and 17602, Family Code, and is necessary to determine eligibility for federal incentive funds pursuant to the provisions of 42 U.S.C. Sections 652 and 658a.

Subsection (a) has been adopted to require each local child support agency to report specific data to the Department for calculation of the state performance measures needed to facilitate program monitoring.

Subparagraph (a)(9) has been adopted to set forth the performance measure for cost-effectiveness. This subparagraph has been amended to set forth the appropriate allocation of electronic data processing costs for consortia counties as the actual costs incurred.

Subparagraph (a)(11) has been adopted to set forth the performance measure for the percent of cases where health insurance was provided as ordered. Although the calculation of the performance measure demonstrated it was based on cases in which health insurance was obtained, the title of the measure referred instead to "medical support." This subparagraph has been amended to correct this inconsistency and instead refer to "health insurance" throughout.

Section 121140. Federal Performance Measures.

This section has been adopted to require the local child support agency to report specific data to the Department for calculation of federal performance measures quarterly and annually. This enables the Department to monitor each local child support agency for problem areas which could potentially affect the State's overall performance and potential eligibility for federal incentives. The initial statement of reasons failed to indicate that this section is necessary to implement both Sections 17600 and 17602, Family Code, and is necessary to determine eligibility for federal incentive funds pursuant to the provisions of 42 U.S.C. Sections 652 and 658a.

Subsection (a) has been adopted to require each local child support agency to report, to the Department, quarterly and annually, data to be used to calculate federal performance measures.

Subparagraph (a)(5) has been adopted to define cost-effectiveness. This subparagraph has been amended to make it consistent with Section 121120(a)(9), defining the state performance measure for cost-effectiveness. The failure to specify how electronic data processing costs will be allocated for purposes of calculating this measure was an oversight. The Department did not intend for the calculation of the state and federal performance measure for cost-effectiveness to be different.

Corrections/Additions to Documents Relied Upon:

The following corrections are made to the list of documents relied upon contained in the initial statement of reasons:

- The proper number for the document referenced as OCSE-AT-98-65, "New Reporting Instrument," is OCSE-DCL-98-65.
- OCSE-AT-99-15 was erroneously listed twice.

- FSD Letter No. 98-32, “Revised Child Support Reports – CS 800 Series,” was not relied upon, as that FSD Letter had previously been determined to be obsolete as it was superseded by other documents relied upon, specifically FSD Letter No. 99-26, which was appropriately referenced in the initial statement of reasons.
- FSD Letter No. 98-27, “CS 157 Report and Instructions,” was not relied upon, as that FSD Letter was not current, as it had been superseded by other documents relied upon, specifically All IV-D Directors Letters Dated November 19, 1998 and August 23, 1999, which were appropriately referenced in the initial statement of reasons.
- The proper number for the document referenced as CSS Letter No. 00-01, “Adoption of Child Support Program Performance Standards Effectively January 1, 2001, is CSS Letter No. 00-10.

The Department has relied upon the following additional document (Attachment B) not originally referenced in the Initial Statement of Reasons:

- LCSA Letter No. 02-12, “CS 34 Monthly Report of Collections and Distributions and CS 35 Supplement to Monthly Report of Collections and Distributions” (May 24, 2002).

Local Mandate Determination:

The Department has determined that the regulations would not impose a mandate on local agencies or school districts. These regulations make only technical nonsubstantive or clarifying changes to current law and regulations. These regulations impose no new or additional reporting requirements on local child support agencies. Rather, existing forms and time frames for submission of those forms and/or reports have been adjusted without making changes to the data local agencies are required to report.

Alternatives Determination:

The Department has determined that no reasonable alternative considered by the Department or that has otherwise been identified or brought to the attention of the Department would be more effective in carrying out the purpose for which these regulations are being implemented or would be as effective and less burdensome to affected private persons than these regulations.